

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY,
AND AS FATHER AND NEXT FRIEND OF
JOHN WATSON,
Plaintiff

v.

PARTNER INDUSTRIAL PRODUCTS,
Defendant

MAGISTRATE JUDGE RBC

FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
DISTRICT OF MASS.
04 11 782 DPW

RECEIPT # 58615
AMOUNT \$ 150
SUMMONS ISSUED NIA
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. ROM
DATE 8/16/04

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

Pursuant to 28 U.S.C. §§ 1441 and 1446, the Defendant, Electrolux Professional Outdoor Products, Inc. (improperly named in the Complaint as "Partner Industrial Products" and hereinafter referred to as "Electrolux"), hereby gives notice of the removal to this Court of this action, which was commenced in the Commonwealth of Massachusetts, Suffolk County Superior Court (Civil Action No. 04-2012-F). As grounds for this removal, Electrolux respectfully states as follows:

1. The plaintiff, Michael Watson, Individually and as Father and Next Friend of John Watson, brought this action in Suffolk County Superior Court by a complaint that was served upon Electrolux by certified mail and was received on or August 2, 2004. (See Summons and Complaint attached hereto as Exhibit A.)
2. According to the complaint, the plaintiff is an individual residing in the Commonwealth of Massachusetts.
3. The named defendant, Partner Industrial Products, n/k/a Electrolux Construction Products North America, is an unincorporated division of Electrolux.

4. The removing party, Electrolux, is an Ohio corporation with its principal place of business in Kansas.

5. The plaintiff's action is a civil action over which this Court has diversity subject-matter jurisdiction under 28 U.S.C. § 1332, because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the action is between citizens of different states.

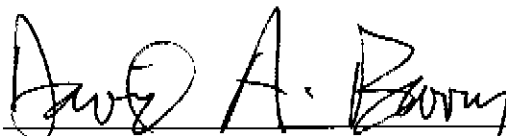
6. Electrolux is entitled to remove the plaintiff's action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446, because the Court has original jurisdiction over the action; the action is pending within this District and Division; and Electrolux is not a citizen of Massachusetts.

7. Copies of all process and pleadings served on Electrolux in this action are attached hereto as Exhibit A.

Signed, pursuant to Fed. R. Civ. P. 11, on August 13, 2004

ELECTROLUX PROFESSIONAL OUTDOOR
PRODUCTS, INC.

By its attorneys,

A handwritten signature in black ink, appearing to read "David A. Barry", is written over a horizontal line.

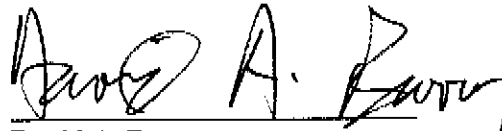
David A. Barry, BBO No. 031520
SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114
(617) 227-3030

Dated: August 13, 2004

CERTIFICATE OF SERVICE

I, David A. Barry, hereby certify that on the above date I served the foregoing document, by mailing a copy of same, postage prepaid, to the following counsel of record:

James E. Byrne, Esquire
Finneran, Byrne & Drechsler, LLP
50 Redfield Street
Boston, MA 02122



David A. Barry

Doc. #353025

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

MICHAEL WATSON, INDIVIDUALLY,
AND AS FATHER AND NEXT FRIEND OF
JOHN WATSON,

Plaintiffs,

v.

PARTNER INDUSTRIAL PRODUCTS,

Defendant.

CIVIL ACTION
NO: 04-2012F

COMPLAINT AND DEMAND FOR TRIAL BY JURY

1. The plaintiff, Michael Watson, is a resident of Dorchester, Suffolk County, Commonwealth of Massachusetts.
2. The plaintiff, John Watson, is a minor who brings this action by his father and next friend, Michael Watson, and is a resident of Dorchester, Suffolk County, Massachusetts and is the minor child of Michael Watson.
3. The defendant Partner Industrial Products ("Partner Products") is a foreign corporation with a principal place of business located at 1151 Bryn Mar Avenue, Itasca, IL 60143.
4. Jurisdiction over the defendant, pursuant to M.G.L. c. 223A, §3, arises from the defendant's:
 - (a) transacting business in the Commonwealth of Massachusetts;
 - (b) contracting to supply services or things in the Commonwealth of Massachusetts;
 - (c) causing tortious injury by an act or omission in the Commonwealth of Massachusetts;
 - (d) causing tortious injury in the Commonwealth of Massachusetts by an act or omission outside of the Commonwealth of Massachusetts and regularly doing and soliciting business, and engaging in other persistent courses of conduct, and

deriving substantial revenue from goods used or consumed or services rendered in the Commonwealth of Massachusetts; and/or

(e) being registered to do business in Massachusetts.

5. On or about December 5, 2001, the plaintiff, Michael Watson, while working as a laborer on the Central Artery Project also known as "the Big Dig," in Boston, Massachusetts, was caused to sustain severe and permanent personal injuries as a result of using a hand-held model K2300 EL electric cut-off saw (hereinafter "cut-off saw"). After cutting iron rods from a construction wall and while descending a ladder, the cut-off saw contacted Mr. Watson's left leg, severing his peroneal nerve which required emergency surgery.
6. The defendant, Partner Products, designed, developed, tested, manufactured, assembled, marketed, packaged, distributed and/or sold the subject cut-off saw.

COUNT I
(Negligence - Partner Industrial Products)

7. The plaintiffs incorporate herein by reference the allegations contained in paragraphs 1 through 6.
8. The defendant, Partner Products, failed to use reasonable care when it initiated and participated in the design, development, testing, manufacture, assembly, marketing, packaging, distribution and/or sale of the subject cut-off saw. The product was defective and unreasonably dangerous because, among other things, it was not equipped with adequate guards and/or a blade braking mechanism to protect users from injury and which the defendant knew, or should have known, were likely to cause injury to foreseeable users.
9. The defendant knew, or should have known, of the dangerous and defective nature and condition of the product and distributed it in a way that Partner Products foresaw, or should have foreseen, would probably result in the use of the product by a person such as Michael Watson, who would likely be ignorant of the dangerous nature of the product.
10. The defendant failed to disclose all of the relevant information regarding the risks associated with the use of the product and failed to adequately warn foreseeable users of all the dangers associated with use of the product.
11. As the direct and proximate result of the defendant's negligence and carelessness, Michael Watson was caused to suffer severe and permanent personal injuries.

WHEREFORE, the plaintiffs demand judgment against the defendant, Partner Industrial Products, in a full, fair and just amount, together with interest and costs, and for such other relief as may be appropriate.

COUNT II
(Breach of Warranties - Partner Industrial Products)

12. The plaintiffs incorporate herein by reference the allegations contained in paragraphs 1 through 11.
13. The defendant, Partner Products, is a merchant with respect to goods of the kind which caused Michael Watson's injuries, and expressly and impliedly warranted that the product was merchantable, safe and fit for the particular purpose for which it was being used when it caused injury.
14. The defendant knew, or had reason to know, the particular purpose for which the product was required and that the plaintiff, Michael Watson, was relying on the defendant's skills and judgment to select and furnish suitable goods. The product, the component parts from which it was constructed, and the warnings and instructions that accompanied the product were defective, and, therefore, the product was not in merchantable, safe or fit as warranted by the defendant.
15. The defendant further breached the warranties of merchantability with respect to the plaintiff in that the cut-off saw was not a reasonably safe product because:
 - a. The foreseeable risks exceeded the benefits associated with the product;
 - b. The product is more dangerous than ordinary consumers would expect and more dangerous than other products marketed at the same time for the same purpose;
 - c. The product did not have adequate, effective warnings and instructions in light of the dangers associated with its use; and
 - d. The product failed to have adequate guards and/or a blade braking mechanism.
16. As the direct and proximate result of the defendant's breach of warranties, Mr. Watson was caused to suffer severe and permanent personal injuries.

WHEREFORE, the plaintiffs demand judgment against the defendant, Partner Industrial Products, in a full, fair and just amount, together with interest and costs, and for such other relief as may be appropriate.

COUNT III
(Loss of Consortium, Parental Affection and Society -
Partner Industrial Products)

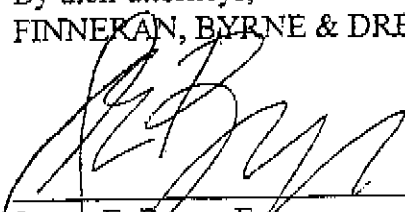
17. The plaintiffs incorporate herein by reference the allegations contained in paragraphs 1 through 16.
18. As a direct and proximate cause of the defendant, Partner Product's, negligence and breach of warranty, the plaintiff, John Watson, has been deprived of the parental affection, care, comfort, society, counsel, services and earning capacity of his father, Michael Watson.

WHEREFORE, the plaintiffs demand judgment against the defendant, Partner Industrial Products, in a full, fair and just amount, together with interest and costs, and for such other relief as may be appropriate.

DEMAND FOR TRIAL BY JURY

The plaintiffs hereby demand a trial by jury on all counts so triable asserted above.

Respectfully submitted,
THE PLAINTIFFS,
By their attorneys,
FINNERAN, BYRNE & DRECHSLER, L.L.P.,



James E. Byrne, Esq.
B.B.O.#: 068560
Thomas Drechsler, Esq.
B.B.O.#: 134840
50 Redfield Street
Boston, MA 02122
(617) 265-3900

Date: May 7, 2004

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

04-2012 F

No. _____

Michael Watson, Individually and as Father and
~~Next Friend of John Watson,~~ Plaintiff(s)

v.

Partner Industrial Products, Defendant(s)

SUMMONS

To the above-named Defendant: Partner Industrial Products:

You are hereby summoned and required to serve upon James E. Byrne, Esq. of
Finneran, Byrne & Drechsler, LLP

plaintiff's attorney, whose address is 50 Redfield Street, Boston, MA 02122, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DeVecchio, Esquire, at Boston, the 7th day of
May, in the year of our Lord two thousand four.

Michael Joseph Donovan
Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED

(1) TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) EQUITABLE RELIEF — (5) OTHER

CIVIL ACTION
COVER SHEET

04-2012F

County: Suffolk

Partner Industrial Products,

PLAINTIFF(S) Michael Watson, Individually and as Father and
next friend of John Watson,

ATTORNEY (if known)

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE
James E. Byrne, Esq. (617) 265-3900
50 Redfield Street
Boston, MA 02122
Board of Bar Overseers number 068560

Origin code and track designation

Place an x in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup.Ct. C.231, s.104
(Before trial) (F)
- ☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After
trial) (X)
- ☐ 5. F05 Reactivated after rescript; relief from
judgment/Order (Mass.R.Civ.P.60) (X)
- ☐ 6. E10 summary Process Appeal(X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO. TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?

B05 Products Liability (A) (X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages.
For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses.....	\$	13,095.36
2. Total doctor expenses.....	\$	
3. Total chiropractic expenses.....	\$	11,941.69
4. Total physical therapy expenses.....	\$	396.00
5. Total other expenses (describe)..... Ambulance	Subtotal \$	25,433.05
	\$	208,664.82

B. Documented lost wages and compensation to date..... \$

C. Documented property damages to date..... \$

D. Reasonably anticipated future medical and hospital expenses..... \$

E. Reasonably anticipated lost wages..... \$

F. Other documented items of damages (describe)..... \$ 208,664.82

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

While working on the Central Artery Project ("the Big Dig"), the plaintiff, Michael Watson, sustained a severed peroneal nerve in his left leg, which has required him to undergo extensive medical treatment, including surgery and physical therapy, and which has left him with a permanent loss of function. As a result of his injuries, the Plaintiff is permanently unable to return to his former employment as a construction laborer. The plaintiff, John Watson, makes claim for his loss of his father's parental affection and society.

TOTAL \$ 234,097.87

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):
234,097.87

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT NONE

I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods

DATE: May 6, 2004

Signature of Attorney of Record

AOTC-6 mtc005-11/99 A.O.S.C. 1-2000

Commonwealth of Massachusetts
County of Suffolk
The Superior Court

CIVIL DOCKET# SUCV2004-02012-F

RE: Watson et al v Partner Industrial Products

TO: James E Byrne, Esquire
Finneran Byrne & Drechsler
50 Redfield Street
Eastern Harbor Office Park
Boston, MA 02122

TRACKING ORDER - A TRACK

You are hereby notified that this case is on the average (A) track as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

Service of process made and return filed with the Court	08/09/2004
Response to the complaint filed (also see MRCP 12)	10/08/2004
All motions under MRCP 12, 19, and 20 filed	10/08/2004
All motions under MRCP 15 filed	08/04/2005
All discovery requests and depositions completed	06/30/2006
All motions under MRCP 56 served and heard	08/29/2006
Final pre-trial conference held and firm trial date set	12/27/2006
Case disposed	05/11/2007

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session F sitting in CtRm 2 - 12th fl., 90 Devonshire St., Boston, Suffolk Superior Court.

Dated: 05/18/2004

Michael Joseph Donovan
Clerk of the Courts

Location: CtRm 2 - 12th fl., 90 Devonshire St., Boston
Telephone: 617-788-8131

BY: Martin J. Conley/Timothy Walsh
Assistant Clerk

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Michael Watson, Individually, and as Father and Next Friend of John Watson

DEFENDANTS

Partner Industrial Products

FILED
2004 AUG 16 P 3:27

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David A. Barry - BBO No. 031520
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114 (617) 227-3030

ATTORNEYS (IF KNOWN)

James E. Byrne
Finneran, Byrne & Drechsler, LLP
50 Redfield Street
Boston, MA 02122 (617) 265-3900

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 630 Securities/Commodities/Exchange <input type="checkbox"/> 675 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

See Attached Sheet

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint.
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

None

JUDGE

DOCKET NUMBER

DATE August 13, 2004

SIGNATURE OF ATTORNEY OF RECORD

David A. Barry

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

VI. Cause of Action

Plaintiff Michael Watson alleges that he sustained a severed peroneal nerve in his left leg while working with an electric cut off saw designed and manufactured by the defendant. The Complaint alleges that the saw was defective, resulting in plaintiff's injuries. This Court has diversity subject-matter jurisdiction under 28 U.S.C. § 32 because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and the action is between citizens of different states.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

- FILED
CLERK'S OFFICE
2004 AUG 16 P 3:21
U.S. DISTRICT COURT
DISTRICT OF MASS
1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Michael Watson v.
Partner Industrial Products
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 348, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- X — III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 841-845, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).
None
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? YES ☐ NO ☒
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403) YES ☐ NO ☒
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? YES ☐ NO ☐
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? YES ☐ NO ☒
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES ☐ NO ☒
OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - (SEE LOCAL RULE 40.1(D)). YES ☐ NO ☐
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES ☐ NO ☒
(a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? Eastern
9. IN WHICH SECTION DO ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Eastern
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION? YES ☐ NO ☐ OR WESTERN SECTION: YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME David A. BarryADDRESS Sugarman, Rogers, Barshak & Cohen, P.C., 101 Merrimac St., 9th Floor, Boston, MA 02114TELEPHONE NO. (617) 227-3030

(Category rev - 3/97)